

09/963,827

Application or Docket Number

180/124/2

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2000

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	67	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	67 minus 20 =	47
INDEPENDENT CLAIMS	13 minus 3 =	10
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

7/22/05

(Column 1) (Column 2) (Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**	=
	67	Minus	67	0
	Independent	5	Minus	13 = 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

(Column 1)

(Column 2) (Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**	=
	96	Minus	67	29
	Independent	7	Minus	13 = 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

(Column 1)

(Column 2) (Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**	=
	Independent	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

SMALL ENTITY
TYPE OTHER THAN
OR SMALL ENTITY

RATE	FEES	RATE	FEES
BASIC FEE	355.00	OR BASIC FEE	710.00
X\$ 9=	423	OR X\$18=	
X40=	400	OR X80=	
+135=		OR +270=	
TOTAL	1178.00	OR TOTAL	

OTHER THAN
SMALL ENTITY OR SMALL ENTITY

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X40=		OR X80=	
+135=		OR +270=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

X\$ 9=	25	OR X\$18=	50
X40=	100	OR X80=	200
+135=		OR +270=	
TOTAL ADDIT. FEE	725	OR TOTAL ADDIT. FEE	

X\$ 9=		OR X\$18=	
X40=		OR X80=	
+135=		OR +270=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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Appl. No. : 09/963,827
Applicant: Sullenger, et al.
Filed : September 26, 2001
TC/A.U. : 1635
Examiner : Sean McGarry

Docket No. : 10815.105002
Customer No. : 20786

Confirmation No. 1175

File copy

Mail Stop Amendments
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

March 30, 2006

RESPONSE TO NON-FINAL OFFICE ACTION

Sir:

In response to the Official Action mailed September 30, 2005, please consider the following remarks.

Amendments to the Specification begin on page 2 of this paper.

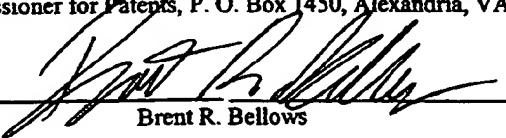
Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks/Arguments begin on page 11 of this paper.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this Response to Restriction Requirement, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

3/30/06
Date


Brent R. Bellows

Specification

Applicants have provided a Substitute Figure 18. In the originally filed Figure 18, several nucleotides in two of the listed sequences was inadvertently misplaced. For the sequence identified as 9-11, a C was inadvertently placed at the first 5' position in the last column labeled S1. The C should be in the column labeled L3.

In the sequence identified as 9-4, an A was inadvertently placed in the last 3' position of the first column labeled S1. The A should be the first 5' position in the column labeled L1. In addition, a U was inadvertently placed at the first 5' position in the last column labeled S1. The U should be in the column labeled L3.

Substitute Figure 18 corrects these misalignments. The Applicants respectfully request that substitute Figure 18 be herewith entered.

Restriction Requirement

Applicants acknowledge the Examiner's rejection of Applicants' grounds of traversal with respect to Group IV.

In the Office Action response of February 2, 2004, Applicants stated that "Suggesting that an experimental setting is a materially different method from the therapeutic use is a suggestion that an *in vitro* model is a wholly different invention from the disease it is modeling... In this case, an *in situ* hybridization is nothing more than a research model of what occurs in the blood stream *in vivo*." Applicants wish to clarify this statement by indicating that the statement was not meant to suggest that methods describing *in vitro* diagnostic applications should be viewed as describing or enabling methods of *in vivo* therapeutic applications. Applicants refer the Examiner to the Office Action response filed on March 23, 2006 in related case 10/155,233 for Applicants' views on this issue.

Applicants believe no further fees are due with this response. Should the Examiner determine otherwise, the Commissioner is hereby authorized to debit any required fee from Deposit Account 11-0980.

Respectfully submitted,

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54,709

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